



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2867



Sacoridge Water, Inc.
Attn: Alan Eliason
P.O. Box 397
Main Street
Bartlett, NH 03812-0397

Re: Sacoridge Water, Inc.
Bartlett, New Hampshire
EPA # 0162020

**ADMINISTRATIVE ORDER
No. WD 02-37**

November 4, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Water Division, to Sacoridge Water, Inc. This Administrative Order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Sacoridge Water, Inc. is a New Hampshire corporation having a mailing address of P.O. Box 397, Bartlett, NH 03812. Alan Eliason is the agent for service of process and water system representative.

C. STATEMENTS OF FACTS AND LAW

1. RSA 485 authorizes DES to regulate public water supplies. RSA 485:3 authorizes DES to adopt drinking water rules which identify contaminants which may have an adverse effect on health, which establish maximum contaminant levels that are acceptable for human consumption, which establish criteria and procedures to assure compliance with such maximum contaminant levels, and which identify criteria and standards to ensure the proper operation and maintenance of water systems. Pursuant to this authority, DES has adopted NH Admin. Rules Env-Ws 300 *et. seq.*
2. Sacoridge Water, Inc. is the owner of the Saco Ridge water system that serves approximately 75 persons in 30 single family homes located in the community of Bartlett, NH ("Water System"). The Water System is a community water system as defined in RSA 485:1-a, I and Env-Ws 302.02 (i).
3. Env-Ws 326.03(a) requires all community water systems to monitor for inorganic chemicals ("IOCs") once each compliance period.
4. Env-Ws 302.02(k) defines "compliance period" as a three-year calendar period beginning January 1, 1993.

5. Env-Ws 321.09 requires every public water system to conduct monitoring at the time designated by DES within each compliance period, in accordance with the water system's sampling schedule provided by DES.
6. For the 2002 through 2004 compliance period, DES designated the Water System to monitor for IOCs during the first calendar quarter of 2002.
7. The Water System monitored for IOCs on January 14, 2002. Sample results showed the presence of beryllium at a level of 0.0177 mg/L.
8. Env-Ws 316.01(e) sets the maximum contaminant level ("MCL") for beryllium in drinking water at 0.004 mg/L.
9. Env-Ws 326.10(e) states that a water system shall be deemed out of compliance with the MCL of a contaminant if any one sample result would cause the annual average to exceed the established MCL.
10. Env-Ws 326.07(a) requires a water system that exceeds an IOC MCL to conduct quarterly monitoring of that contaminant.
11. Env-Ws 310.02(d) requires a water system to provide a reasonable amount of bottled water to customers for consumptive needs when the water system fails to meet the specified inorganic MCLs for so long as the failure exists.
12. On or about June 28, 2002, a Letter of Deficiency ("LOD") was issued to the Water System. The LOD addressed the beryllium MCL exceedence and requested the Water System to perform, *inter alia*, the following:
 1. Provide appropriate alternate (*i.e.* bottled) water at areas accessible to consumers until the violation is corrected. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389.
 5. By August 30, 2002, submit to DES for approval the consultant's report, which shall contain the consultant's recommendations, along with an implementation schedule to correct the MCL violation. The report must also include a maintenance schedule for any proposed treatment process/equipment. DES must approve the consultant's report/recommendations, the maintenance schedule, and the proposed implementation schedule prior to any work being done on the system.
 7. Sample in accordance with the new Master Sampling Schedule which is enclosed. (Please note you must now submit quarterly Beryllium samples in addition to quarterly Fluoride Samples.)
3. The LOD was received by the Water System as evidenced by the signed postal receipt.
14. On or about July 16, 2002, the Water System collected a third quarter beryllium sample. The sample results showed the presence of beryllium at a level of 0.0036 mg/L. This value, when averaged with the first quarter value of 0.0177 mg/L, continued to exceed the MCL for beryllium.

15. On August 23, 2002, DES received a preliminary report from the Water System's consultant that provided the results of additional non-compliance sampling and recommended that a possible solution to the beryllium MCL violation would be to reconfigure the blending ratios of the two water sources. The report noted that it had yet to be determined if the blend ratios of the two sources could be modified to provide a sufficient quantity of water with an acceptable beryllium concentration.
16. On or about October 1, 2002, DES learned that no bottled water had been or was being supplied by the Water System to consumers as requested in the LOD.
17. On or about October 4, 2002, DES sent a letter to the Water System reviewing the System's compliance with the LOD. The letter noted that DES had received information that bottled water was not being provided to consumers and requested the Water System to immediately begin providing such alternate water. In addition, the letter acknowledged DES's receipt of the consultant's August 23, 2002 report, but noted that, to comply with the LOD, more information was required to explain how and when the Water System expected to resolve the beryllium MCL violation.
18. To date, DES has received no further information on exactly how the system intends to resolve the beryllium MCL violation. Furthermore, DES has not received a proposed implementation schedule, and if appropriate, a maintenance schedule for any proposed treatment process or equipment.
19. To date, the Water System has not begun to provide bottled water to consumers.

D. DETERMINATION OF VIOLATIONS

1. The Water System has violated Env-Ws 310.02(d) by failing to provide bottled water to consumers during the time in which the System has exceeded the beryllium MCL.
2. As owner of the Water System, Sacoridge Water, Inc. is responsible for the violation noted herein.

E. ORDER

Based on the above findings, DES hereby orders Sacoridge Water, Inc. as follows:

1. **Within 15 days of the date of this Order**, begin providing a reasonable amount of bottled water to consumers for consumptive needs until the beryllium MCL violation has been resolved.
2. **Within 15 days of the date of this Order**, submit written certification to DES that bottled water is being supplied to consumers as required in the proceeding paragraph.
3. **Within 30 days of the date of this Order**, submit a follow-up report in writing to DES for approval that details how the Water System plans to resolve the beryllium MCL violation, and that includes an implementation schedule and a maintenance schedule for any proposed treatment process or equipment.

Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Alan Leach
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095
Voice: (603) 271-2854
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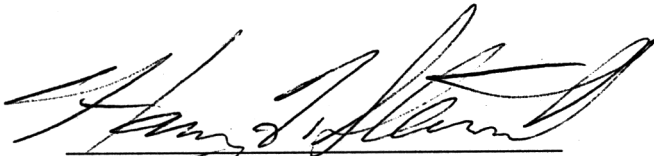
F. APPEAL

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Sacoridge Water, Inc. of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 485:58 provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. Sacoridge Water, Inc. remains obligated to comply with all applicable drinking water statutes and rules. DES will continue to monitor compliance with applicable requirements and will take appropriate action if additional violations are discovered.

This Order is being recorded in the Carroll County Registry of Deeds so as to run with the land



Harry T. Stewart, P.E. Director
Water Division



George Dana Bisbee
Acting Commissioner

Certified Mail/RRR: 7099 3400 0003 0691 0201

cc: Gretchen Rule, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer Patterson, Sr. Assistant Attorney General
Gene Chandler, Bartlett Health Officer
Carroll County Registry of Deeds
Board of Selectmen, Town of Bartlett
US EPA, Region 1